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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,956	11/13/2001	Manuel Barbosa	11017-0006	6385
22902	7590	07/19/2006	EXAMINER	
CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005			NGUYEN, XUAN LAN T	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,956

Applicant(s)

BARBOSA, MANUEL

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005 and 21 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☒ Other: approved drawings.

DETAILED ACTION

Drawings

1. The drawings were received on 4/21/06. These drawings are approved.

Specification

2. The amendment to the specification is approved.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiller et al. in view of Yamamoto.

Re: claims 7 and 10, Spiller et al. show a dual leading-shoe drum brake system, as in the present invention, comprising: a backing plate 10; an upper anchor 16 secured to an upper part of said backing plate; a lower anchor 15 secured to a lower part of said backing plate; first and second 51, 51 substantially identical actuating levers arranged symmetrically with respect to a line between said upper and lower anchors for radial movement and engaging said lower anchor, as shown in figure 1; first and second B, B substantially identical brake shoes, each of said brake shoes being connected and

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located adjacent a respective one of said actuating levers and adapted to be activated by said lever; wherein said brake shoes selectively engage said upper and lower anchors to transfer braking forces during braking, see page 4, first column, lines 6-16 and 63-72; and an actuating cylinder C engaging upper ends of said actuating levers to urge said levers apart and initiate said braking, an adjustment link 97, 98 extending between said first and second actuating levers. Spiller's brake system lacks a parking brake lever and the relationship between the lever and the adjustment link as claimed. Yamamoto teaches an automatic adjuster link 88, 26 and a parking brake lever 30 pivotally attached to a web 62 of shoe 18 and engaging said adjuster such that pivotal motion of said parking brake lever applies a separating force to said adjuster and to said web 62 to operate the parking brake as described in the Abstract and in column 3, lines 45-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Spiller's brake system with an automatic adjuster link and a parking brake lever such as taught by Yamamoto in order to automatically adjusting the brake shoes according to brake lining wear levels and to utilize the same brake system as a service brake and a parking brake. Since automatically adjusting the shoes would increase the effectiveness of the brake system and saving time for the driver from having to manually adjusting said shoes; and utilizing the same service brake system as a parking brake would save the cost of making a vehicle. Furthermore, Yamamoto's adjuster and parking brake lever work together so that when the parking brake lever is actuated, the adjuster is actuated at the same time to adjust for brake wear, which adds even more convenience to the driver.

Re: claims 11 and 12, Spiller's brake system lacks a first anchor as a block fixed to said backing plate by rivets as claimed. Yamamoto teaches a first anchor 20, as a block, for the webs 62, 52 wherein said first anchor is secured to the backing plate by rivets, as shown in figure 1. It would have been further obvious to one of ordinary skill in the art at the time the invention was made to have further modified Spiller's brake system to have one common block as a first anchor fixed to the back plate by rivets in order to simplify the design at the same time reducing the cost of making the brake system as taught by Yamamoto.

Response to Arguments

5. Applicant's arguments filed 12/23/05 have been fully considered but they are not persuasive. Applicant argues that the claimed invention applies the braking force through the adjuster link while Yamamoto teaches the concept of applying the braking force through the spreader bar 88. In column 3, lines 45-50, Yamamoto teaches that the parking brake lever 30 is applying the braking force through adjuster link 26 since adjuster link 26 is connected to the lever 30 at notch 64. It is believed that Spiller's brake, as modified by Yamamoto, meets the claimed invention for the reasons stated above. The rejection has been slightly modified to meet the amendment.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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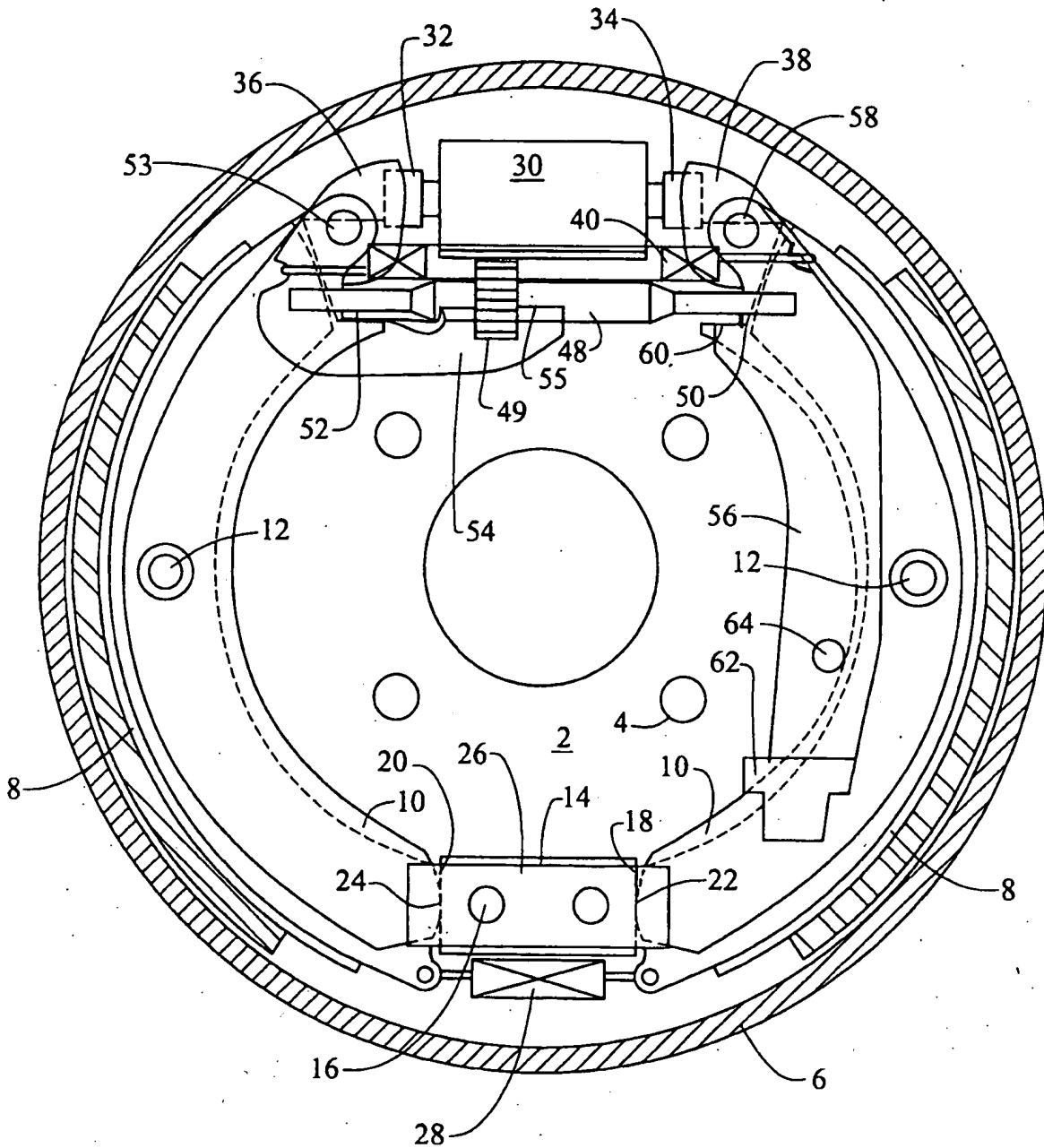
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Lan Nguyen
Primary Examiner
Art Unit 3683

Lan Nguyen 7/13/06



FIG. 1



approved
XLN
7/13/06

approved
XLN
7/13/06